



Supreme Court of Kentucky

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Judicial Branch Budget Recommendation for Fiscal Biennium 2022-2024

Chief Justice John D. Minton Jr.
Testimony Before Senate Standing Committee on Appropriations & Revenue
March 16, 2022, 9 a.m. ET
Capitol Annex, Room 171, Frankfort

Chairman McDaniel, Members of the Senate A&R Committee and Guests,

Thank you for giving me time on the agenda today. I appreciate the opportunity to advocate in person for what I consider one of the most important budget requests of my tenure.

For 14 years – since my early days as chief justice – my top priority has been to invest in the elected officials and non-elected employees who carry out the critical work of the courts. My goal has always been clear: Our salaries must be competitive with the other branches of state government so that our dedicated employees are fairly compensated and we have a level playing field in attracting and retaining high-caliber talent.

The Judicial Branch makes up about 3% of the state budget and the majority of our funding covers salaries for our employees and elected officials. We estimate that Judicial Branch salaries are about \$7,500 – or 20% less – than those in the Executive and Legislative branches.

I believe we can all agree that it's simply not rational for Judicial Branch compensation to lag so far behind the rest of state government. But starting now, we can move quickly toward a remedy that will significantly close this longtime gap.

Salary Parity Plan

The main focus of our Judicial Branch budget request is a Salary Parity Plan that, while simple, would be highly effective in creating a more equitable salary scale. To implement that plan, we requested a flat \$10,000 increase for all court personnel in our Judicial Branch budget recommendation.

We appreciate the message the Senate is sending by giving Executive Branch employees a \$4,500 increase for Fiscal Year 2023 and a potential 10% increase for Fiscal Year 2024.

And while we would appreciate that same increase for Judicial Branch employees, the fact remains that our salaries will still average \$7,500 behind the other two branches. Unless we significantly bump up our entire salary scale, we'll always be chasing the higher salaries being offered by the Executive and Legislative branches.

For that reason, it only makes sense that Judicial Branch employees receive an additional \$7,500 increase to ensure salary parity among the three branches of state government.

That's not a big ask when you put it into perspective. First, the Judicial Branch has saved state government money for decades with its historically low salary scale. Second, a majority – 54% – of our employees are already in the Tier 3 cash/hybrid retirement plan, which does not carry the same pension burden for the state as it does for employees in Tiers 1 and 2. And finally, because of our low salaries, the Judicial Branch has one of the lowest contribution rates for KERS and CERS for Tier 1 and Tier 2 employees.

All of that adds up to a reduced financial impact for court operations.

Unprecedented Turnover

Another impact of low pay is our turnover rate, which is alarming. We're seeing turnover of 40% annually for urban areas and critical front-line positions, such as pretrial services specialists.

We've lost over one-third of our workforce – about 1,000 employees – in the last four years. That means one-third of our employees have less than four years of experience with the court system.

I believe you'll be as shocked by these examples as I am:

For several open positions, we've had no applicants and some who do apply don't show up for the interview or refuse the offer. Sometimes the applicant accepts the position but resigns shortly after starting employment.

Our Specialty Courts – Drug, Veterans Treatment and Mental Health courts – currently have no staff in Bullitt, Boyle, Carroll, Grant, Mercer and Owen counties. In Jefferson County, six of the nine positions are vacant. Staff from other areas of the state are providing coverage, which can lead to burnout for these over-extended employees.

Our court designated workers process complaints filed against children under age 18 prior to any action taken in formal court. The CDW program has recurring vacancies in Bullitt, Daviess, Hardin, Jefferson and Kenton counties, and currently there are no CDWs in Bullitt County. Staff from other counties have to cover these vacancies, which further stresses existing employees.

Pretrial Services is having an especially difficult time. Positions in Jefferson, Fayette, Caldwell, Carroll, Daviess, Grant and Owen counties have been reposted multiple times due to an unqualified applicant pool or applicants not showing up for interviews.

Salaries Also Lag for Elected Officials

The need doesn't stop with our non-elected personnel. Our hard-working justices, judges and circuit court clerks earn substantially less than other elected officials across the state and the nation. They've worked for subpar wages for years and the stress of carrying on court operations remotely during the COVID-19 pandemic has taken an enormous toll.

They're simply not being compensated adequately for the volume and sophistication of the work they do.

Justices and Judges. Our justices and judges rank at the bottom of judicial salaries nationwide. The latest judicial salary survey from the National Center for State Courts shows that Kentucky has again fallen in the rankings and is now 53rd out of the 55 states and territories.

On average, our judges earn nearly \$32,000 – 25% – less than the average pay of a general jurisdiction judge nationwide. And over the last 12 years, our judges have received only a 7% overall increase through small, sporadic raises.

This provides little incentive for the best and brightest attorneys to leave successful law practices and bring their legal knowledge and expertise to the bench. The longer we postpone action, the more difficult it will be to catch up on lost wages and avoid diminishing the quality of the Kentucky judiciary.

Circuit Court Clerks. Circuit court clerks, who serve every county and maintain records and dockets for Circuit and District courts, earn on average about \$12,000 – 12% to 14% – less per year than elected county officials with similar duties.

Our 120 circuit clerks essentially serve as the front door to the court system and it's time to give them the equitable pay that they deserve.

Capital Projects

Our other major budget request is for several capital projects. We're grateful to the House for adequately funding the request for temporary and permanent space in Graves County and a new judicial center in Leslie County.

But we are asking the Senate to restore the funding that was included in our budget recommendation for capital repair projects in Hardin and Jefferson counties. We're requesting \$4,500,000 for a new HVAC system at the Hardin County Justice Center to replace the system that is currently inoperable. The problem in Hardin is so significant that the building will not be functional this summer and we'll have to find alternate space for holding court. And we need \$1,189,100 in Jefferson County to expand the jury room and replace carpeting throughout the building.

And as you are aware, construction costs have skyrocketed. The cost per square foot for judicial center projects has risen from \$400 to \$610 per square foot.

The Judicial Branch will need an additional cumulative annual use allowance of \$2,421,000 to complete the capital construction projects authorized and under way in Barren, Bath, Butler, Clinton, Crittenden, Jessamine, Oldham and Scott counties without extending the bond terms to 25 years. A minimum of \$1,068,200 in annual use allowance is needed even if the bond terms for those projects are extended to 25 years.

New Trial Court Case Management System

And finally, we appreciate the House for funding our request for a new trial court case management system using American Rescue Plan Act funds, and we are asking the Senate to maintain that funding in our budget.

In closing, I want to reiterate the gravity of our request to fund the Judicial Branch Salary Parity Plan. I believe that we're on the verge of a tipping point if we don't move quickly to rectify the pay inequities that have plagued the court system for decades.

We've been discussing pay parity for years and, frankly, we're running out of time. As they say, it's time for a little less talk and a lot more action. I hope that I can count on you to act by using your considerable influence to support full funding for the Salary Parity Plan.

Again, I'm grateful for your time today and I'll be happy to answer any questions you may have.

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